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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

DON'T SHOOT PORTLAND, a nonprofit corporation, in its individual capacity, NICHOLAS J. ROBERTS, in an individual capacity and on behalf of themselves and all others similarly situated, MICHELLE "MISHA" BELDEN, in an individual capacity and on behalf of themselves and all others similarly situated, ALEXANDRA JOHNSON, in an individual capacity and on behalf of themselves and all others similarly situated,

**PLAINTIFFS,**

v.

CITY OF PORTLAND, a municipal corporation, and MULTNOMAH COUNTY, a political subdivision of the State,

**DEFENDANTS.**

**3:20-cv-00917-HZ**

**DECLARATION OF JOHN YOUNG**

**(In Support of Defendant City of Portland's  
Response to Plaintiff's Motion for  
Preliminary Injunction)**

I, John Young, declare as follows:

1. I make this declaration in support of Defendant City of Portland's Response to Plaintiff's Motion for Preliminary Injunction.

2. I am currently employed as an Officer with the Portland Police Bureau (“PPB”). I have been employed by the PPB since **January of 2006 (14.5 years)**. **I am assigned to Central Precinct as a PPI officer. In addition to my regular duties, I am also a member of the Rapid Response Team (“RRT”). I have been a member of RRT since 2009.**

3. I am a member of RRT Charlie Squad. Each squad consists of 10-15 members and typically includes three grenadiers who are specially trained in the use of less lethal weapons such as a 40mm launcher and FN303. I am one of the grenadiers for Charlie Squad and have received special training in the use of these less lethal platforms as well as the use of riot control agents. The 40mm launcher is a less lethal platform that allows a variety of munitions to be fired from it. These can include impact munitions, such as a foam tipped impact round, marking round that contains paint or Oleoresin Capsicum (“OC”) round that contain OC powder and disperses on impact. In addition, the 40mm launcher can be used to launch riot control agents (“RCAs”) such as smoke (obscurant), 2-chlorobenzalmalononitrile “CS gas” and Oleoresin Capsicum Pyrotechnic (“OC pyrotechnic”).

4. In addition to launchable RCAs, grenadiers also carry hand-tossed munitions including canisters of CS gas, OC pyrotechnic, OC vapor. Grenadiers also may carry rubber ball distraction devices (“RBDDs”). RBDD payloads can vary, and some do not have any payload at all and are called inert RBDDs. An inert RBDD delivers a blast of light and sound but contains nothing else. “Live” RBDDs, deliver a blast of light and sound and contains small rubber balls (approximately .81 cm each) which are dispersed in the explosion. OC RBDDs deliver a blast of light and sound and also project a cloud of OC. Finally, grenadiers also can carry a larger can of hand held OC spray, called an MK-9.

5. On the nights of May 29, 2020, May 30, 2020, May 31, 2020 and June 2, 2020, I was assigned to RRT Charlie squad as a grenadier and carried some or all of the above-mentioned special munitions. I deployed some of these special munitions on those nights as follows.

6. On May 29, 2020, I was deployed to downtown Portland with RRT Charlie Squad for a protest that eventually turned into a riot. During the initial gatherings at Peninsula Park and downtown Portland, police kept a minimal presence away from the protesters and allowed them to exercise their First Amendment Rights. The crowd then moved towards downtown and prior to the protesters reaching downtown, several warnings were issued by the sound truck advising those involved to refrain from committing crimes and to remain peaceful.

7. Once downtown, several hundred protesters gathered in the area of SW 3<sup>rd</sup> and SW Main Street near the Justice Center, and things quickly escalated from simply vandalism to a riot when several protesters began setting fire to the Justice Center and numerous other locations. In addition, the protesters became violent towards the police throwing objects that could hurt or cause serious bodily harm.

8. As rioters were breaking the windows out of the Justice Center in an attempt to enter. I gave two force warnings as they were breaking the windows. Once the windows were completely broken out, I hand tossed a CS munition toward them from about five feet away to prevent them from entering the building and it landed inside the building near the window. The rioters were just on the outside of the window.

9. As another RRT squad was moving the crowd north on 3<sup>rd</sup> Avenue, some of the crowd started to run up the stairs towards the Justice Center. The crowd was throwing projectiles at the RRT squad that was attempting to moving them. I deployed a hand toss CS munition on the stairs from about 15 feet away to assist with keeping the crowd moving north and help deter the crowd from throwing projectiles at the other RRT squad.

10. Later, rioters were blocking the street with construction equipment, signs, palettes and other materials. They were throwing projectiles, starting fires and breaking the windows of businesses. The sound truck was giving force warnings to the crowd as well as ordering them to disperse. I launched three CS gas rounds from my 40mm launcher to disperse the rioters. In



addition, I also deployed a hand tossed CS gas canister on a group of rioters engaged in the same conduct.

11. I considered other force options, but this was a riot situation and the above-mentioned munitions were the proper tool for the desired effect.

12. On May 30, 2020, I was deployed to downtown Portland with RRT Charlie Squad for a protest that took place near the Justice Center that eventually turned into a riot. I was near the intersection of SW 2<sup>nd</sup> Avenue and SW Salmon Street, with Charlie squad as a grenadier.

13. I heard the sound truck give orders to disperse and warning that force would be used if they failed to do so. The crowd was throwing various projectiles at the police. The crowd was moving southbound on 2<sup>nd</sup> Avenue, when another RRT squad arrived the crowd turned eastbound on SW Salmon street. I launched on CS munition from my 40mm launcher from about a block away to get the crowd to disperse towards Waterfront Park.

14. I considered other force options, but the above mentioned launchable munition was the only type that had the effective range.

15. On May 31, 2020, I was assigned to RRT Charlie Squad as a grenadier for a protest that eventually turned civil disturbance and unlawful assembly. After repeated announcements by the sound truck to disperse and force warnings, RRT began to move the crowd back towards the intersection of SW 3<sup>rd</sup> and Main Street. I saw the crowd resisting and pushing back against RRT officers. The sound truck had given multiple warnings prior to RRT's attempt to move the crowd. I launched on CS munition from my 40mm launcher toward the back of the crowd. The crowd continued to engage in active aggression against the officers.

16. At SW 2<sup>nd</sup> Avenue and SW Main Street at around 2330 the crowd demeanor had changed and was engaging in active aggression by throwing mortar type fireworks, milk jugs with unknown substances inside and other projectiles. I launched a smoke munition as well as a CS munition from my 40mm launcher towards the back of the crowd and they continued to

throw projectiles at the police. I then launched a CS round from my 40mm towards the front of the crowd who at this time had moved further away which put the front of the crowd in range of the munition and the crowd began to disperse.

**I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.**

DATED: 7-3-20

  
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